

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDRES SCAMINACI,

Plaintiff,

-against-

OMAR JAFFREY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/1/2023

21-cv-321 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' letters jointly requesting: (1) an adjournment of the Initial Pretrial Conference that is currently scheduled to take place on May 4, 2023 [ECF No. 74]; and (2) "a temporary stay" of all discovery that "either side may seek to have . . . lifted at any time" [ECF No. 75; *see* ECF No. 74]. The Court is also in receipt of (3) Plaintiff's pre-motion letter requesting leave to file a motion to dismiss Defendant's counterclaims [ECF No. 76]. The parties have not filed the joint letter and proposed Case Management Plan required by the Court's Order dated April 6, 2023 [ECF No. 73].

The request to stay discovery is DENIED. The Initial Pretrial Conference is ADJOURNED to May 11, 2023 at 2:00 PM. The parties must file their joint letter and proposed Case Management Plan by May 4, 2023.

Plaintiff's request to file a motion to dismiss Defendant's counterclaims is GRANTED. By May 4, 2023, Defendant shall file a letter informing the Court whether he intends to amend his counterclaims. This will be Defendant's last opportunity to amend in response to arguments raised in Plaintiff's pre-motion letter [ECF No. 76].

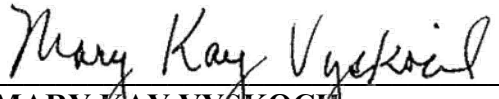
If Defendant elects to amend, the amended counterclaims are due May 18, 2023. If Plaintiff responds with a motion to dismiss, the motion is due June 8, 2023. Further briefing will follow the schedule set forth in Local Civil Rule 6.1(b).

If Defendant elects not to amend, Plaintiff's motion to dismiss is due May 18, 2023. Further briefing will follow the schedule set forth in Local Civil Rule 6.1(b).

The Clerk of Court respectfully is requested to terminate the letter motions pending at docket entries 74, 75, and 76.

SO ORDERED.

Date: May 1, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge